

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5161 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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YADAV VIKAS TRUST

Versus

STATE OF GUJARAT

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Appearance:

MR PB MAJMUDAR for Petitioners

Mr DC Dave, AGP for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 26/07/96

ORAL JUDGEMENT

Rule. Mr D C Dave, learned AGP waives service of notice of Rule on behalf of the respondents.

The petitioner, by way of this Special Civil Application, seeks direction to quash and set aside the orders at Annexure 'B' and 'H' and further direction to

grant permission to start Standard XI in Higher Secondary section for imparting education in Hindi medium in General Stream. The petitioner submitted an application along with necessary documents for starting Standard XI, but the same was rejected by respondent No.2 by order dated 14.6.1995. The petitioner preferred an appeal, which has been rejected by order dated 14.6.1996.

2. The grievance of the petitioner is that in spite of the fact that the petitioner given the required undertaking, permission has been refused. It is submitted by the learned Advocate for the petitioner that the petitioner is still prepared to give fresh undertaking that the petitioner-Trust will not ask for extra grant, it will also not admit other students from the vicinity. The learned Advocate submits that the petitioner-Trust will also assure the financial stability. Lastly it is submitted that all other necessary requirements will also be satisfied.

3. Considering the submissions made by the learned Advocate for the petitioner, in my view, ends of justice would be met, if direction is given to respondent No.1 to reconsider the petitioner's case for grant of permission to start standard XI in Hindi medium in General Stream. The respondent No.1 - State of Gujarat is directed to consider the petitioner's application afresh for starting standard XI in Hindi medium in General Stream. Respondent No.1 is also directed to dispose of the petitioner's application expeditiously on or before 7th August, 1996.

4. In view of the aforesaid, this Special Civil Application is allowed. Rule made absolute to the above extent. The impugned orders at Annexure 'B' and 'H' are quashed and set aside. Direct Service is permitted.

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